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Chair: Mr. Fathalla

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Mr. Fathalla (Vice-Chair) took the Chair.

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Initial report of Bahrain (continued) (CCPR/C/BHR/1; CCPR/C/BHR/Q/1 and CCPR/C/BHR/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of Bahrain took places at the Committee table.*

2. **Mr. Ben Achour**, referring to paragraph 5 of the State party's replies to the list of issues (CCPR/C/BHR/Q/1/Add.1), said that he would like to know which of the stakeholders mentioned in that paragraph — consultative and academic institutes, civil society institutions, trade unions, social and economic bodies and human rights defenders — were currently represented on the Board of Commissioners of the National Institution for Human Rights. He would welcome further information on the number of complaints received and investigations conducted by the Institution since its establishment in 2014. The annual report published by the Institution in 2017 gave the impression that it provided support to the Government, rather than being fully independent; he would like to hear the delegation's views on the matter.

3. He would appreciate clarification as to whether abortion was authorized only if necessary to save the life of the mother. In particular, he wondered whether abortion was possible if the fetus suffered from a grave and life-threatening disorder and whether the Government had considered legalizing abortion in cases of rape.

4. Noting that judges were appointed by the King of Bahrain and approved by the Government and that some judges were appointed for a period of three years only, he asked whether the delegation considered those appointment conditions to be in line with the principle of the independence of the judiciary, which required stability within the profession and procedural guarantees.

5. The Committee had received reports from non-governmental organizations that the judiciary lacked independence, that police officers used arbitrary detention and torture in order to extract confessions and that fair trial guarantees had been violated on numerous occasions; he would like to hear the delegation's response to those allegations. It seemed that civilians were sometimes referred to military tribunals; he wondered whether the Government considered that practice to be in line with the Covenant. In view of reports that torture frequently went unpunished, he would like to know whether those reports were true and what steps were taken to ensure that perpetrators of torture were brought to justice.

6. Although changes had been made to labour legislation to afford greater protection to workers, foreign workers and workers in the domestic services sector continued to face a number of challenges. He would like to know what measures were being taken to ensure the full implementation of Act No. 36 of 2012 on private sector employment and whether the Act applied to foreign workers. He wondered what steps were taken to protect domestic workers from threats or violence and how such workers were made aware of their rights. Lastly, he wished to know what penalties were imposed on companies that exploited foreign workers, particularly under "free visa" regimes, and what measures had been taken to combat child labour.

7. The Committee had received reports of discrimination against the Shiite community, including claims that Shiites were underrepresented in institutions such as the army, that the electoral system was designed in such a way as to weaken the representation of Shiites on municipal and national councils, and that some Shiite dissidents had been stripped of their nationality. The delegation was invited to comment on those reports.

8. **Mr. Heyns** said that it was unclear how many of the complaints of torture received by the Special Investigation Unit had led to convictions; whether any of those convictions had concerned senior officials; and what steps had been taken to follow up on the complaints received by the special independent office in Jau prison.

9. The Committee was concerned about reports of coercive interrogation in Jau prison, Dry Dock prison and the holding facilities of the General Directorate of Criminal Investigation and Forensic Evidence. It had also been informed that there were around 4,000 political prisoners in Bahrain and would like to know whether that figure was accurate.

10. He wondered whether there were plans to adopt legislation that would prohibit corporal punishment at home and in alternative care settings. Lastly, he would appreciate information on the measures taken to ensure that participation in military operations abroad was consistent with article 6 of the Covenant.

11. **Mr. Muhumuza** said that the statistics compiled by the Office of the United Nations High Commissioner for Refugees (UNHCR) contradicted the State party's somewhat disturbing claim that there were no refugees in Bahrain. In addition, UNHCR had reported that there were around 1,000 stateless persons in the country and that refugees, asylum seekers and stateless persons living with HIV/AIDS in Bahrain did not have access to medical treatment. He would welcome information on any plans to establish a national legal framework for the identification and protection of refugees and asylum seekers, as well as any plans to ratify the Convention relating to the Status of Refugees and the Protocol thereto, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. He would also appreciate information on access to medical treatment for refugees, asylum seekers and stateless persons living with HIV/AIDS and on practical measures taken to ensure compliance with the principle of non-refoulement.

12. It would be helpful if the delegation could provide detailed information on the implementation of Act No. 1 of 2008 on trafficking in persons; data on the number of victims who had been assisted by the committee for the assessment of the status of foreign victims of trafficking in persons; and specific information on the impact of the activities of the National Committee to Combat Trafficking in Persons and the Centre for Sheltering Victims of Human Trafficking. He would appreciate information on efforts to ensure that victims of human trafficking had access to justice and protection, as well as disaggregated data on the number of complaints, investigations, prosecutions and convictions relating to human trafficking and reparation provided to victims. In the light of allegations that public officials had been complicit or directly involved in cases of trafficking and forced labour, he wondered what steps were being taken to investigate and respond to those allegations.

13. Lastly, he would like to know whether the Government had shut down all major opposition groups and banned their members from running for office; what steps were being taken to ensure that the 2018 elections were conducted freely and fairly, in accordance with international standards; and, in particular, what was being done to rectify the fact that some major political opponents and activists had been rendered stateless and were thus unable to participate in political life.

14. **Ms. Abdo Rocholl** said that she would appreciate information on the number of travel bans imposed on Bahraini citizens over the previous five years, and the grounds for doing so. The delegation should also provide information on the legal basis for imposing restrictions on movement, and explain why they were necessary to protect national security, public order, public health or morals or the rights and freedoms of others. In the light of the State party's assertion that the restrictions imposed were in line with article 12 of the Covenant, she asked why a large number of human rights activists, opposition figures and journalists had been prevented from travelling during the same period, allegedly to keep them from attending sessions of the Human Rights Council. She also asked what measures were in place to prevent abuse of legal restrictions on freedom of movement; whether cases of abuse were duly investigated; and whether victims were awarded compensation. In order for the Committee to assess the proportionality of those restrictions, detailed information was needed.

15. She wished to learn more about laws allowing for deprivation of citizenship, in particular articles 8–10 of the Nationality Act. The delegation should provide data on the number of persons who had had their citizenship revoked under anti-terrorism legislation and comment on allegations that government critics had been arbitrarily stripped of

Bahraini nationality. The State party had informed the Committee that children of a Bahraini woman married to a non-Bahraini man were "treated on an equal footing with citizens", which was not the same as being granted citizenship. Further information on the legal basis for drawing such a distinction would be appreciated.

16. With regard to the right to participate in public life, she wished to know how frequently elections, other than those to the Council of Representatives, were held and what safeguards were in place to ensure that Shia Muslims were represented in public life on a non-discriminatory basis, including in the National Assembly. She would welcome information on the activities of the National Audit Office in investigating cases of public corruption, as well as on any ensuing prosecutions and their results. The delegation should also provide information on the King's powers to appoint and dismiss members of the Consultative Council, explain how the practice complied with article 25 of the Covenant, and provide data on the number of women in public office. She would welcome clarification of the reported prohibition on non-governmental organizations engaging in politics.

17. **Mr. de Frouville** said that Bahraini legislation governing freedom of expression was extremely restrictive. The acts of spreading false news, insulting the authorities and offending the King, the flag or the national emblem of Bahrain had been criminalized, notwithstanding the Committee's General Comment No. 34, which stated that "all public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition".

18. The Committee was concerned about the legal requirements for journalists to obtain a licence to engage with foreign media and for newspapers to obtain a supplementary licence to publish online, as well as about bans on Internet use by persons criticizing the Government, the King or his family. Those laws had given rise to countless proceedings and, between 2011 and 2014, thousands of people had reportedly been arrested for alleged crimes committed in the exercise of their right to freedom of expression. The delegation should provide details of the cases of Qasim Zainal Deen, Ahmed al-Fardan and Faisal Hayyat, who had received varying terms of imprisonment under those provisions, and comment on the alleged reprisals against Bahraini activists attending Human Rights Council sessions, in particular Sayed Ahmed AlWadaei and members of his family and Ebtisam Al-Sayegh. He would also appreciate detailed information about the reasons for the shut-down of the newspaper *Al Wasat* in June 2017.

19. The severe restrictions imposed on the right to peaceful assembly, including the blanket ban on public demonstrations in the capital city, Manama, also gave rise to grave concern, as did the reported criminalization of participants and organizers of demonstrations held outside that highly restrictive framework. He wished to know whether the deaths and arrests linked to the protests in the village of Duraz in May 2017 had been duly investigated, so as to establish whether the use of force had been necessary and proportionate. He would also appreciate information on the number of proceedings instituted in connection with the protests.

20. With regard to the right to freedom of association, the delegation should comment on reports that legislation governing the establishment of political societies and non-political associations and non-governmental organizations was used to repress work by critical associations, either by preventing their establishment or by ordering their dissolution. The delegation should comment in particular on the situation of the Bahrain Centre for Human Rights, two of whose co-founders were currently in prison. He also wished to know on what legal basis the country's main opposition groups, the Al-Wefaq National Islamic Society and the National Democratic Action Society (Wa'ad), had been dissolved. Lastly, the delegation should provide information on the status of the legal proceedings against Nabeel Rajab, Ghada Jamsheer and the "Bahrain 13".

The meeting was suspended at 10.55 a.m. and resumed at 11.15 a.m.

21. **Mr. Aldoseri** (Bahrain), replying to the question regarding his Government's intention to lift its reservations to certain provisions of the Covenant, said that the sharia was the primary source of law in his country and the reservations to the Covenant only concerned those aspects of the Covenant that were contrary to the sharia. The reservations

did not affect his country's commitment to implement the Covenant. More time was needed for the examination of those inconsistencies and the Committee would be kept abreast of any developments in that regard. The competent authorities were also exploring options for accession to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty. In Bahrain, the death penalty was imposed only for the most serious crimes and could be commuted to life imprisonment or other less severe penalties if mitigating circumstances were present. The death penalty had never been imposed on political activists.

22. When preparing the State party report, the Ministry of Foreign Affairs had held three consultative meetings, which had been attended by representatives of 13, 17 and 21 non-governmental organizations, respectively. Many of those organizations had submitted useful information and the Government was grateful for their contributions. The Supreme Coordinating Committee responsible for drafting the report was composed of representatives of various ministries, the Public Prosecution Office, the judiciary, the Ministerial Committee for Legal Affairs, the security forces, the Office of the Ombudsman and the Special Investigation Unit, thus ensuring broad stakeholder participation.

23. An independent national commission had been established to oversee implementation of the recommendations made by the Bahrain Independent Commission of Inquiry and to prepare progress reports; implementation of the recommendations had been declared completed on 9 May 2016.

24. **Mr. Almoyed** (Bahrain) said that voluntary termination of pregnancy was lawful if supervised by a doctor and necessary to save the mother's life. Articles 321–323 of the Criminal Code regulated the offence of abortion, providing for a term of imprisonment of up to 6 months or a fine for any person self-inducing a termination of pregnancy without the advice and knowledge of a physician. Article 322 of the Code provided for imprisonment of up to 10 years for persons practising a termination of pregnancy on a woman without her consent, in particular where it resulted in the victim's death.

25. Pursuant to article 1 of Act No. 35 of 2009, children of Bahraini women married to non-Bahraini men were treated on an equal footing with citizens. Implementation of that provision was closely monitored by the Ministry of the Interior.

26. The Constitution of Bahrain provided for equal participation of men and women in political life. Women held high-ranking positions in the executive, the judiciary and private sector enterprises. In 2017, there had been four women ministers and 24 per cent of deputy ministers had been women. Female members had accounted for 23 per cent of the Consultative Council, 8 per cent of the National Assembly and 20 per cent of municipal councils. In 2016, there had been six female judges and several women had served as presidents of legislative committees. Bahraini Women's Day was celebrated on 1 December each year.

27. **Mr. Alsowaidi** (Bahrain) said that the Constitution guaranteed freedom of expression so long as the views expressed were not contrary to Islam. The right to freedom of expression was also set forth in the Press and Publications Law promulgated by Legislative Decree No. 47 of 2002 and Law No. 34 of 2014 amending some provisions of Law No. 26 of 2005 with respect to political associations. Accordingly, political associations were allowed to disseminate their views by way of publications, within the limits of legal restrictions on free speech set forth in article 69 bis of the Criminal Code. Similarly, the constitutional guarantee of freedom of assembly was not absolute. Public assemblies must be peaceful and in conformity with the law and public morals.

28. Political refugees were offered comprehensive care and protection from extradition. There were no refugees in Bahrain, and all issues related to migration were addressed in the Aliens Immigration and Residence Act of 1965. Foreign nationals could enter Bahrain if they held valid entry visas and were granted full enjoyment of their rights throughout their stay.

29. No citizen of Bahrain was arbitrarily deprived of his or her nationality. Nationality could only be revoked for treason or other serious crimes stipulated by law; any decision resulting in the loss of citizenship could be appealed. The 1963 Nationality Act defined the

circumstances in which Bahraini nationality might be withdrawn, lost or revoked. In several cases, Bahraini citizenship had been granted to stateless persons who had met the legal requirements for acquiring nationality.

30. **Ms. Abdulrahim** (Bahrain) said that Ministerial Decision No. 14 of 2012 on the Code of Conduct for Police Officers stipulated the conditions for the use of force by public officials. Article 12 of Legislative Decree No. 3 of 1982 concerning the organization of public security forces stated that officials could resort to force only as a last resort. Similarly, Decree No. 24 of 2014 of the Minister of Interior promulgating the basic principles on the use of force and firearms specified that force could be employed only in extreme cases. The Special Investigation Unit within the Public Prosecution Office investigated cases of undue use of force by officials, against whom disciplinary action could be taken. Moreover, the independent Office of the Ombudsman established under Decree No. 27 of 2012 received and examined complaints against law enforcement officials on grounds of alleged reprehensible acts.

31. With regard to persons injured during demonstrations, the Ministry of Interior was committed to implementing the rules laid down in the Criminal Code. Such gatherings were supervised by the Public Prosecution Office and reports were produced on injured persons, to whom immediate medical care was provided.

32. The Ministry of Interior was also committed to developing legislation to improve the performance of police officers with respect to human rights and fundamental freedoms. The Code of Conduct for Police Officers stressed the importance of respecting human dignity. Between 2011 and 2013, over 800 officers had attended workshops and training courses in that regard.

33. Decisions on pretrial detention were taken by the Public Prosecution Office in accordance with the Code of Criminal Procedure, article 57 of which stipulated that arrested persons must be brought before the investigating authority within 48 hours. Pre-trial detainees were held in dedicated facilities, rather than in prisons, and were allowed to receive visitors and contact their families, lawyers and embassies. Official logs were kept on detainees, and injured persons were referred to a doctor. All detention centres were supervised or monitored by government bodies, the Public Prosecution Office and the judiciary.

34. More officers had been employed at the Juw Rehabilitation and Custody Centre. Specially trained nurses were on duty around the clock, medication was administered and examinations were performed as necessary. A special unit was provided for detainees with chronic illnesses, steps were taken to meet the needs of prisoners with disabilities and programmes were run to assist inmates with drug problems.

35. Bahrain was a pioneer in the area of alternative sentencing. Punishments handed down in lieu of imprisonment included restraining orders, electronic tagging and mandatory rehabilitation programmes. In cooperation with the Public Prosecution Office, the Ministry of Interior had recently published a guide on alternative sentencing mechanisms and the various bodies responsible for implementing them.

36. The provisions of Decree No. 24 of 2014 were in keeping with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. They provided a framework for the use of force and firearms and ensured that general security measures were consistent with the freedoms enshrined in legislation.

37. The Independent Commission of Inquiry within the Ministry of Interior received complaints on torture and ill-treatment. It had examined over 1,000 such complaints in the previous three years. Of the 200 or so complaints lodged thus far in 2018, it had itself taken up 38 and had referred 20 to the military courts, 13 to the Office of the Ombudsman and 17 to specialist bodies.

38. The Government had taken a range of measures to promote the rights of the child, including the establishment of a centre for the protection and reintegration of children who had suffered physical and mental abuse. Minors who had broken the law could be sentenced only under specific circumstances in accordance with the Juveniles Act. Convicted minors were placed in juvenile detention centres, not regular prisons, and were enrolled in training

and rehabilitation programmes. Prisons also had separate wings for inmates under the age of 21 years. The Ministry of Interior undertook to provide the necessary material and human resources to align conditions in correctional facilities with international standards.

39. **Mr. Alansari** (Bahrain) said that the Government was taking a number of steps to combat trafficking in persons, in which regard it issued regular reports and statistics. Shelters provided victims of trafficking with secure accommodation and legal assistance and were regularly inspected by a dedicated committee. Reports of reprisals by employers and threats of expulsion were unfounded: the authorities had not received any complaints or conducted any investigations in that regard. Awareness of trafficking in persons had been raised among public officials and training had been provided to law enforcement agents to bolster preventive action. Studies and conferences on the subject had also been organized to enable the relevant government bodies to be more proactive. The Public Prosecution Office was obliged to inform the National Committee to Combat Trafficking in Persons of all cases referred to it so that a forward-looking strategy could be drawn up. Foreign nationals who had been victims of trafficking were permitted to live and work in Bahrain. A trust fund had also been established to provide monthly subsidies to victims until such time as they could support themselves.

40. The 400 or so foreign workers who had staged a demonstration after being adversely affected by the insolvency of their employer had received what they were owed. Foreign workers in Bahrain could join a trade union of their choice and draw unemployment benefits for up to six months. Moreover, under the flexible permit system, they were not tied to any single employer.

41. **Mr. Aldosari** (Bahrain) said that the temporary contracts under which judges were employed merely set out their salaries and entitlements and did not affect their independence in any way.

42. The imposition of travel bans was provided for in article 159 of the Code of Criminal Procedure, article 31 of Act No. 85 of 2006 on the protection of society from acts of terrorism and article 178 of the Code of Civil and Commercial Procedure. Persons subjected to travel bans had the right to appeal.

43. **Mr. Al Ma'awdah** (Bahrain) said that, since July 2013, the Office of the Ombudsman had received over 4,000 complaints, most of which were requests for assistance or advice — a clear sign of the trust placed in it by the general public. The Office published detailed reports of its work on its website.

44. All persons found guilty of committing a crime, including police officers, were held accountable. Indeed, the Special Investigation Unit had asked the criminal courts to rule on cases against more than 120 police officers, some of whom had been sentenced to up to 7 years' imprisonment. The cases of further officers had been heard before the disciplinary courts.

45. The Office of the Ombudsman was committed to ensuring accountability and answerability. For instance, a complaint it had recently referred to the Public Prosecution Office had ultimately been passed to the Court of Cassation for re-examination after the emergence of fresh evidence.

46. **Mr. Bufarsan** (Bahrain) said that foreign journalists and media outlets were able to work in Bahrain after receiving authorization from the Government, while unauthorized foreign journalists could receive a fine of approximately 1,000 Bahraini dinars (BD). As of 2017, there were approximately 40 foreign correspondents resident in Bahrain, although some events could attract up to 300 foreign journalists.

47. The decision to close down *Al Wasat* newspaper had been taken after the paper had published fabricated stories about prominent individuals and violated the law against publishing false information that could incite hatred and sectarian unrest. The paper had the right to challenge the decision before the courts but had not done so.

48. **Mr. Aldoseri** (Bahrain) said that the National Institution for Human Rights, established in 2017, enjoyed financial and administrative independence. Its members, who included experts in the fields of law and human rights, had been chosen to ensure

representation of all sections of society and avoid any conflict of interest. The selection criteria were based on the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). Members were provided with legal protection and could not be prosecuted for any criticisms that they made. The Institution was a member of the Global Alliance of National Human Rights Institutions (GANHRI) and provided legal advice to the Ministries of the Interior and Foreign Affairs. In addition to contributing to developing legislation, it had issued reports and helped to establish best practices in human rights.

49. The reliability of reports that people in Bahrain were subjected to discrimination on the basis of their religion or beliefs should be questioned. Bahrain was a multi-ethnic society, and people of different religions were afforded legal protection and freedom to practise their faiths. A centre to promote peaceful coexistence had been established and had hosted conferences and dialogues between representatives of different religions.

50. The right to life was enshrined in the National Action Charter and article 2 of the Constitution, which stated that legislation was based primarily on the sharia, under which the right to life was sacred. Although it had not acceded to the Optional Protocol to the Covenant, the Government remained committed to protecting the right to life as defined in article 6 of the Covenant.

51. **Mr. de Frouville** said that, despite the progress made since the previous meeting, a number of his questions had not yet been answered. He would appreciate information on the specific cases he had mentioned, as well as on the authorization requirements for Bahraini journalists working with foreign media outlets and the closure of *Al Wasat*. In addition, it could be useful for the State party to consider reviewing its reservations to make them more specific and focused.

52. **Mr. Heyns** said that he would appreciate clarification as to why certain rights, including the right to life, were not specifically mentioned in the Constitution. Moreover, he wished to know the extent to which article 6 of the Covenant, including the right to life, was binding on actions taken by the Bahraini military in Yemen.

53. With reference to paragraph 42 of the State party's replies to the list of issues, he wished to know whether any display of affection between two people of the same sex would constitute an offence under the Criminal Code, or whether only affection of a sexual nature would do so.

54. **Mr. Ben Achour** said that he wished to reiterate that Committee members used only sources of information found to be credible and reliable by the Office of the United Nations High Commissioner for Human Rights.

55. **Mr. Muhumuza** said that he commended the legislation introduced by the State party but would welcome additional information on its implementation. He would also appreciate further specific information on terrorism and the situation of refugees.

56. **Mr. Aldoseri** (Bahrain) said that his country would work with the Committee to build on the progress made and achieve full implementation of the Covenant. All new legislation was discussed in parliament and the public sphere, and it could be revised as necessary following its implementation. Although the delegation had chosen to provide its replies using a thematic approach, rather than by mentioning individual cases, information on specific cases could be provided if desired.

57. All media outlets were subject to equal implementation of the law. Regarding *Al Wasat*, the allegations against the paper had been stated by the Public Prosecutor and published in various legal and human rights-related fora. The paper had received three warnings before being closed down and had decided to dissolve of its own volition. Information on authorization for Bahrainis working with foreign media outlets would be provided to the Committee at a later time.

58. The State party would review its reservations on the Covenant, which had been submitted to cover cases where treaty provisions did not comply with Islamic law. Regular reviews were already being conducted of its reservations on the Convention on the

Elimination of All Forms of Discrimination against Women in order to make them clearer and more focused.

59. It should be noted that the absence of an explicit reference to the right to life in the Constitution did not imply that it was not implicitly enshrined therein. Additional information on the right to life would be provided at a later time.

60. Bahraini military forces in Yemen did not act as aggressors but as part of a defence coalition. Military support was provided on the basis of a request from the Yemeni Government and aimed to protect the local population. A number of Bahraini relief agencies provided assistance to Yemeni civilians and acted in accordance with the rules and standards of international humanitarian law.

61. Regarding the rights of lesbian, gay, bisexual, transgender and intersex persons, individuals could be prosecuted for acts considered to offend public decency or to be counter to sharia law.

62. The freedom of religion and belief in Bahrain was widely recognized. Any allegation of discrimination on the basis of religion must be verified in order to avoid national human rights activities being negatively affected by unreliable or politicized sources.

63. Refugees were welcome in Bahrain. Citizens of the Syrian Arab Republic were referred to as "guests", rather than refugees, and were provided with the same education and health care as Bahraini citizens.

64. At the national level, parliamentary elections would be held in late 2018 and the Government was making efforts to ensure that all sections of society would exercise their right to participate in the electoral process.

65. The country's progress in development and human rights reforms had been recognized at the global level. Its moderate and effective foreign policy had achieved a balance between national and regional interests, and the Government would continue to pursue international cooperation to combat crime, including terrorism. The Government hoped to continue its dialogue with the Committee on the basis of credible and unbiased information.

66. **The Chair** said that good progress had been made during the consideration of the State party's report, and that the delegation had provided constructive replies to questions from Committee members. The State party should prioritize the implementation of its legislation in compliance with the Covenant.

The meeting rose at 1 p.m.